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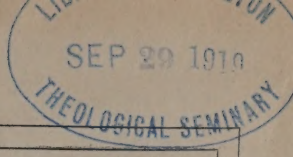

RATIFY THE COVENANT

By

WILLIAM HOWARD TAFT

Ex-President of the United States

This is not a partisan question. We should be for or against the League of Nations without regard to whether we think it will bring credit to our party or credit to any man. Personal and partisan considerations of this kind are reasons which should have no influence with us in determining an issue so fateful in the world's history and so likely to affect the future welfare of the people of the United States and of all mankind. The question is, will the League do good for this country or mankind? If it will, let's favor it.

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THE Treaty of Peace that the fourteen powers have presented to the German representatives for their signature is dependent for its execution upon the machinery provided by the Covenant of the League of Nations.

If, and when, the Germans sign the Treaty, the President will bring it back home and submit it to the Senate as a single document. The Constitutional function of the Senate is to consider the Treaty and to ratify or reject it. It may ratify it conditionally, stating the conditions upon which it does ratify it. These conditions are called amendments to the treaty.

CHANGES NOW WILL DELAY PEACE

The ratifications, however, can become absolute and effective only upon the acceptance by other countries of the amendments contained in these conditions. Treaties have been ratified with reservations as to construction, which, not objected to by other nations, have created a binding treaty; but such reservations cannot be substantial amendments of the Treaty, eliminating any article or changing its meaning, without requiring, in order to make a binding treaty, that the other countries signing the treaty shall consent formally to the amendments. It therefore follows that if any substantial amendment is to be made to the treaty submitted by the President, it must go back to the other Powers who signed it for their acceptance and approval. This includes not only all the Allied Powers which formulated the treaty, but it includes Germany also. Upon those who insist that substantial amendments must be made to the treaty will therefore fall the responsibility for the indefinite postponement of peace which the unconditional ratification of the treaty will at once bring about.

It has been proposed to separate the Covenant from the Treaty and to ratify the Treaty, thus truncated or dissected, with the idea that peace will follow such action by the Senate.

The suggestion has been made that peace might thus be reached through a protocol embodying the treaty and leaving the question of the League to further consideration. It should be premised that no one can initiate peace except the President of the United States, who is vested by the Constitution with this power. No one can make a protocol of peace except the President. If, therefore, the President deem it essential that the Senate should act upon the Treaty as he submits it, there can be no protocol as long as he maintains that attitude, nor indeed could the protocol be concluded without the consent of Germany. In other words, all these propositions are nothing but conditional ratification on the basis of radical amendments, and they all will postpone indefinitely the coming of peace. Meantime the other great Powers, under the terms of the Treaty as they are now reported, can ratify the Treaty and establish peace with Germany so far as they are concerned. In this way the anomalous condition will be presented of a state of war between Germany and ourselves, while peace prevails between Germany and Great Britain, Germany and France, Germany and Italy, and Germany and Japan. This obviously disadvantageous condition for our industries and this delay in the resumption of our trade with Germany should make the business community of the United States scrutinize with care the reasons for substantially amending the Covenant or attempting to dissect it out of the Treaty. Of course, if the Covenant exposes our country to danger and risk that we should not assume, the consideration which we have advanced should not be allowed weight and the Treaty and the Covenant should be rejected, at whatever cost of inconvenience or delay. But the necessary halt in the coming of that era of prosperity which merely awaits permanent peace and the losses which it will entail upon this country require the business men and all others to examine with the closest scrutiny and care the arguments made against the Covenant and its inclusion in the Treaty.

MANY OBJECTIONS FAR-FETCHED

There has been much general attack on the Treaty, much emphasizing of dangers which could arise only in remote contingencies and much straining of the meaning of ordinary words into unusual and impossible significance in order to sustain objections to the Covenant. There have been far-fetched prohibitions to such a Covenant found in the Federal Constitution, which judicial authority and actual precedent both refute. With the result of the rejection

of the Treaty, or its substantial amendment, now clearly before the country, these objections must pass in closest review and must be clearly sustained if the inconvenience and burden and delay of rejection or amendment are to be justified. This is especially true in view of the amendment to the Covenant as first reported, by which, should we find after ratification and actual operation of the Treaty that any of the criticisms of it were justified, we can within two years withdraw from further obligations of the Treaty. More than that, there is the power of amendment by the unanimous consent of nine of the powers whose representatives constitute the Council and a majority of all the members of the League, a means of changing provisions which prove to be burdensome, which will enable the perfecting of the League as experience shall require.

A phase of the discussion of the League has been the tendency to concentrate it on particular features or articles thought to be dangerous, and to omit the presentation of the general organization of the League and its great and useful machinery for rendering war improbable and making peace permanent.

I shall begin, therefore, with the four great steps taken in the League to achieve this purpose, and show its value to the world and to us to be so capital that we ought to allow no minor objection or doubt to deprive us of their inestimable benefits. The Covenant does not create a supersovereign. It delegates to no managing committee or body the power to act for members of the League. It is not that kind of League, however effective such a League might be. The Covenant is an agreement for co-operation by members of the League to achieve its purpose. The members are themselves to act and to delegate to no other body the power to act for them. They are to act through their constitutional agencies. With us, if a boycott is to be levied, it is for Congress to decide whether this obligation has arisen under the Treaty and Covenant, and then to levy the necessary embargo. If military forces are to be used, it is for Congress to determine whether they are to be so used, and to authorize their obligations and use. If armament is to be limited, it is for the treaty-making power, or Congress, to consent to the limit and for Congress to keep within it.

COUNCIL AND ASSEMBLY

There are two bodies provided for in the organization of the League. One is the Council of nine members, five of them to be representatives of the five great powers, the United States, the

British Empire, France, Italy and Japan, and four of them to represent four other powers selected by the Assembly. The Assembly consists of representatives of all the members of the League. Each country may have from one to three delegates, and can only cast one vote. The function of the Council is advisory and recommendatory in respect to all the functions of the League. It is the agency through which members of the League are advised of the state of affairs, and through which they can agree upon a plan of co-operation. It is a more active body than the Assembly and meets more frequently, and has many more duties. One of them is to act as a mediatory body when the parties do not agree upon arbitration. The Assembly, by a two-thirds vote, can admit new members to fulfil certain conditions. If either party desires, it can be substituted as a mediating body for the Council. It also has the function of pointing out inconsistencies between existing treaties of League members and their obligations under the League.

ARMAMENT RACE FOSTERED WAR

The first of the four great steps taken by the League during the maintenance of peace is the limitation of armament provided for in the eighth article. The Council is to consider all world armaments, and with the aid of a military commission is to determine a plan for a general reduction of armaments and fix the limit for each nation member of the League in that plan. The plan is then submitted to the several nations for discussion and agreement. When the nations have agreed to a plan, or to such amendments of it as they require, they covenant to keep within the limit fixed and agreed upon for a period of ten years unless the Council increases the limit in view of changed conditions.

The importance of this provision cannot be overstated in securing peace. The chief factor in bringing the world into this great war was the race of competitive armaments between the nations. After the wars of Prussia with Denmark, Austria and France, a German Empire was formed by Bismarck on a policy of blood and iron and an elaborate system of conscription of all the youth of Germany, with great effort, expense and preparation for war, in strategic railways, small arms, ammunition, and all possible military equipment, was entered upon. Not only that, but Germany stimulated her allies, Austria and Italy, to a similar course. For national safety France and Russia were compelled to enter into their great plans

of conscription and military preparation to defend themselves against the possible aggression of Germany and the threat of her armament. Later on, there was a similar race between Germany and Great Britain in naval matters. Such enormous armaments had four evil results. One was the burdensome taxation upon the peoples engaged. The second was the removal from the fields of production, for two or three years, by conscription, of all the young men of the country. The third was the truculence and temptation to war which the possession of such a powerful instrument gave to the Kaiser. He used it in seeking diplomatic triumphs in the Congresses of Nations, explaining them by the declaration that he had won them by standing forth "in his shining armor," or "by rattling the sword in his scabbard." Undoubtedly, the fact that Germany was ahead in the race of armament, that Russia was slow in the execution of its plan for strategic railways, and France had not perfected its new purpose in respect to artillery and conscription led Germany to accept the Austrian-Serbian difficulty as the occasion for the use of its perfect military establishment to realize its dreams of empire. Without its success in the race of armament, it never would have conceived such dreams. In this sense, therefore, this race of armament caused the war. The fifth great evil from this competitive system was the enormous destructiveness of the war and the savage character which this German preparation gave it. It was a war of the German people against other peoples. It was a war in which the extensive scope of the German people's weapons included non-combatants—men, women and children—in its bloody purpose, and in which the permanent devastation of countries, with the ulterior object of the successful industrial and commercial advantage of the Conqueror, was clear. When such suffering, such immense loss of life, such world-wide disaster have grown out of this race of armament, are we not justified in assuming any burden and restriction to prevent its inevitable recurrence?

LIMITATION BY FORCE AND AGREEMENT

How are we to limit it? We limit it, in the case of Germany, by compulsion—by compulsion of a League of Nations. Those nations which dictated the peace must unite to maintain it. The only way we can limit it among the Allies is by agreement, and it is that agreement which Article VIII in the League provides for.

What is the objection? It is said that if we limit our armament we paralyze our government in its defense of our liberties and our institutions against external aggression, and we expose ourselves "naked to our enemies." The objection is entirely without weight. We limit our armament in consideration of the nations of the League limiting theirs. Our limit is adjusted proportionately to theirs, having due regard to the more or less exposed position of each nation, its obligations to the League and its need for domestic use of armament.

Secondly, if other nations can safely agree to disarm, cannot we? We have an ocean between us and Europe where the greatest danger of disturbance is, and we have an ocean between us and Asia. If France and Great Britain and Italy, with their recent enemies just across the border from them, can agree to limit armament, why cannot we?

Again, is it not rather absurd and humorous for us to be so sensitive now in respect to the proportionate reduction of the armament under the general plan, when never in the history of the country have we had an adequate armament at the beginning of any war or until we could make hasty preparation for that war? I venture to prophesy that if the League is ratified and the agreement to disarm is made, and the limit fixed for us, we shall never reach that limit until war is on us and that the limit imposed will not constitute the slightest embarrassment to Congress.

Again, the Emperor of Russia summoned a conference at The Hague, and one of the chief purposes of that congress was to secure a mutual and common limitation of armament among the nations of the world, and it was prevented by the obdurate refusal of Germany to give the slightest support to such a proposal. Our own delegates were instructed to press in favor of it. The public opinion of this country undoubtedly supported that instruction. *Now these objectors propose that we shall take the place of Germany by our refusal to join in a common limit of armament,* and so defeat the purposes of the League.

INVOLVES FAMILIAR PRINCIPLES

It is further objected that an agreement to limit armament in a treaty on our part is unconstitutional. The treaty-making power has been held by the Supreme Court to include that of making any contract for our nation with another relating to any subject matter

which is usually included in treaties between nations, save only that we may not change the form of our government or cede land of a State without its consent. The limitation of armament is one of frequent occurrence in peace treaties, and has always been. Therefore, it comes within the definition of the Supreme Court as a subject matter proper for contract by our treaty-making power.

More than this, we made such a treaty with Great Britain more than one hundred years ago, in which we agreed to limit our naval armament on the Great Lakes in consideration of her doing the same thing, and we have kept that treaty alive and maintained it for more than a century. It was not thought to be unconstitutional then; its validity has not been questioned during that one hundred years of its life; and we have all been proud of the fact that we made it and kept it. Certainly, if authority and precedent can establish constitutional validity, they do so in this case.

If it be objected that the Council may increase the limit of armament needed in the ten years, and that therefore it leave it to an outside authority to govern our course in this respect, it is sufficient to answer that as we have the full authority to make an agreement for ten years, the mere fact that the agreement may be made less stringent by the action of the Council during that ten years cannot invalidate the agreement. As the council must act unanimously, no change can be made in varying the proportion between armaments unless by the consent of our representative in that council; and therefore by our own consent. So much for the first step in the Covenant.

ARTICLE X — HEART OF THE LEAGUE

The second great step forward involved in this League of Nations is Article X, by which the members of the League undertake to respect and preserve the territorial integrity and the political independence of all its members. This in effect is an organization of the united power of the nations of the League to maintain and preserve an international commandment, "Thou shalt not steal." It is the union of the nations to suppress the spirit of conquest which led Germany to drag this world into the awful war through which it has just passed. It is the effective answer of the nations to the German declaration of principle that "Might makes right." It is the protection of the smaller nations against the spoliation of

them by the larger and more powerful nations. It is the heart of the League and it is the effort of the world of law-abiding nations to defeat forever the greedy purposes of militarism, whether of Germany or any other nation.

It is said that this will involve the United States in wars to protect nations in distant parts of the world in whose welfare we have no interest, and will call for an expenditure of money and the lives of our boys in which we ought not to involve our country. This is not true. The effect of the organization of the League, with the threat against any nation who should violate Article X and attempt a war of conquest against another nation, will be to restrain that nation and prevent its beginning war. The knowledge that there would be visited upon it the overwhelming power of the united nations, first by a universal isolation, and, second, by united military forces, will render such wars most improbable. We employ a police force not because the members of that force are constantly engaged in clubbing men who violate the law, but because their presence restrains the men who wish to violate the law. The very organization of the League, with the force behind it, is the restraining influence that will prevent war. Only in infrequent cases will war result. Take a well-known instance. The Monroe Doctrine is nearly a century old. It notified the world that we would resist by force any European nation violating Article X against any American nation. American statesmen there were who said it would involve us in constant war, yet for a century we have maintained the doctrine without firing a shot or losing a man. No European nation, when greed for colonies was rife, cared to engage in any war with us in an attempt to conquer an American State and gain a colony in this hemisphere.

WEAK NATIONS CHIEF BENEFICIARIES

Under the recommendations of the Council, which is to act unanimously, and in which we have a representation, we can be sure that our activities will be called for only under a reasonable plan for distributing the burden of united action under Article X.

It has been suggested that this Article X is in the interest of Great Britain, with her far-flung empire, to preserve her territorial integrity through the aid of the United States and other countries. There is no foundation for such a suggestion. Can any one point out in the history of the last fifty years any war against Great

Britain to take away territory from her by a foreign country? No, war of that sort is not originally begun against a nation as powerful as Great Britain. Wars are begun as Austria began her war against Serbia, because Serbia was a weak nation and Austria a strong one; and this guaranty is in the interest of the weaker nations whom it is to our benefit to protect against a war of conquest that will ultimately involve the world as the attack upon Serbia did.

Another objection made to this article is that if Ireland were to rebel against England and seek to establish herself as an independent republic, England could invite, under this Article X, the other nations of the world to assist her in suppressing this rebellion or revolution. This is utterly unfounded, because Article X is only an understanding to preserve territorial integrity and political independence against *external* aggression. Nations must take care of their own revolutions, and if their conduct of Government is such that revolutions occur and new nations are established out of the old ones, there is nothing in Article X to prevent.

PEACEABLE SETTLEMENT

The third great step forward in the League is to be found in Article XII and the following, in which provision is made for the peaceful settling of differences between members of the League by arbitration or by mediation, through the Council or the Assembly, and a covenant of the nations not to begin war until after the machinery for settling differences peaceably shall have been tried and failed and until three months after an award by arbitration or a unanimous report of recommendation of settlement by the mediating body, which is the Council or the Assembly, and a failure to comply with either. In other words, the differences are to be heard, evidence is to be taken, arguments are to be made, and more than a year is to be taken up in the discussion and decision, in possessing each side of the attitude of the other, and in bringing the parties together for conference to see if some agreement cannot be reached. All of this is likely to result in a peaceable settlement of most differences, influenced by public opinion of the world, as evidenced by the action of the Assembly. If any nation begins war, in violation of this Covenant to await the peaceable settlement of differences, as above, then the penalizing article applies, and all the members of the League are bound to initiate at once a universal boycott against the outlaw nation, a boycott that will cut off all

commercial and trade relations with the world, all personal relations, all diplomatic relations with other nations; a boycott that will hold up food and raw material from the recalcitrant nation, will prevent its selling its products in foreign market, will hold up the payment of the debts due it, and will in every way impose upon it a withering isolation that will be nearly as destructive as war. If that does not do, then provision is made by recommendation of the Council for a military expedition by the members of the League to add to the economic pressure of the boycott the military force. This is not a war-proof machine. It may not exclude the possibility of war, but it will render it so remote that the progress made by it towards permanent peace is of the most substantial character.

The same objections are made to this step as to that of Article X, that it will involve us in trouble with remote nations, and possible wars. There is the same answer, namely, that the knowledge of this union of the nations to enforce this obligation of the League will prevent its violation by reckless members. For the same purpose there is a provision in the League that where difficulties arise between members of the League and non-members, or between non-members (because the League asserts its interests in all wars of international character) by which the Council is authorized to summon any non-member having a difference with a member of the League, or any two non-members having differences between them, and invite them, for the purpose of settling the differences peaceably, to become temporary members of the League and thus to impose on them the obligations of the League and impose on them, if they violate such obligation, the penalties provided in Article XVI. In this way the whole world is reached and brought under the obligations of the League to prevent war.

OPEN DIPLOMACY

The fourth great step forward is that compelling open diplomacy. All treaties made between nations are to conform to the obligations of the members of the League, and future treaties are not to have effect until they have been recorded in the Secretariat of the League. In this way the cards are to be played face up on the table. There are to be no secret agreements between nations, but each nation is to know what the obligation of other nations is. Secret treaties, secret ententes, have in the past been fruitful of wars and international injustice. They are thus to be abolished.

With these four great steps secured by mutual covenants we have a right to say that immense progress will be made toward the preservation of permanent peace and the avoidance of the scourge of war. If we have another general war, as we are likely to have unless we have a League, not now but in ten years or in twenty years, it will be as much more destructive than this war as this war was more destructive than the last war. We went into this war because we wished to end German militarism and because we feared that if German militarism prevailed in this war, Germany would dominate the world and would curtail world independence and world freedom of nations. In the course of ten or twenty years, with the inevitable competition in armament which will follow the absence of a League of Nations, there will be a repetition of the conditions which led to this war, and then the increased destructiveness of the next war into which we shall certainly be drawn as we were into this, will bring about something equivalent to world suicide. There is, therefore, the heaviest obligation on us, as the most powerful nation in the world, both in our own interests and in that of the world, to unite in this League of Nations and give it strength and effectiveness, which it cannot have unless we join it. We are the most disinterested nation entering it, and the fact that we are so, the fact that we represent pure democracy, will give the League the prestige and confidence of the world that it might not otherwise have. The knowledge by the world that we are in the League and that our power is united with that of all the others will have a moral effect to prevent war, the value of which cannot be overestimated.

LEAGUE FIRST PEACE REQUISITE

Criticisms have been made of this league of various kinds. These criticisms have led to suggestions for amendments and the amendments upon which most friends of the League have agreed have now been adopted. Therefore, we may well hope that many of the Senators who announced in so-called "Round Robins" that the League as reported was not acceptable will ultimately acquiesce in the amended League. They asked that the League be postponed until after the peace treaty imposing terms upon Germany should be signed. The difficulty about that proposition was that in the present condition of Europe no peace treaty would be effective unless the nations dictating this peace to Germany shall themselves constitute

a League of Nations. That required that the League of Nations should be inserted in the Peace Treaty, where it has been put.

It is easy to see why this is necessary. Under the terms of peace to be meted out to Germany the principle of self-determination of racial units has been followed, and some eighteen or twenty independent States are to be created where there were but four empires before. Seven of them are to be republics and the others are put under autonomous governments, which are mandataries or agents of the League. The peace treaty determining the rights of these numerous new and old states in the sphere of war is long and complicated. Differences in construction and in claims of the various nations must arise. There must be some method of peaceable settlement through the instrumentalities of the League, and then such settlement must be enforced by the power of the League. The treaty cannot enforce itself in the face of an unrepentant Germany.

OUR OBLIGATIONS NOT ENDED

We are not a slacker nation and we don't intend to be. We helped fight this war. Our allies had been fighting for three years before us—before we joined the war. Then we came in and helped them win it. Our intervention was necessary to win the war, but our obligation to our allies for what they did for us continues, and it will be a weak and disloyal policy on our part if, just when it was necessary to reap the fruits of the sacrifices and efforts of all the nations, we withdrew and made to fail, by our withdrawal, the clinching of the purposes of war.

There is no transfer of sovereignty under this League to the Council or the Assembly. The Council only recommends and proposes and advises. It does not command or direct or order. The chief attacks upon the League rest entirely on the claim that the word "recommend" means to "command," and that the word "advise" means to "direct," and that the word "propose" means to "order." This is an utterly unwarranted and strained construction of the League which every fair-minded man should see. The obligations of the United States and the other nations under the League itself are not fixed by the Council. They are created by the words of the League and they are to be discharged and performed by Congress, the constitutional agent of the United States in meeting its obligations under treaties. Congress has the power to dishonor such obligations, but it is a dishonorable course for Congress

to pursue. The treaty-making power permits the entering into such obligations. We have done it before. We have agreed to make war and we have agreed not to make war, in treaties. We have agreed to limit our armament in treaties, one of which has lasted for one hundred years, in respect to our armament upon the Great Lakes between us and Canada. If we levy a boycott, it is for Congress to levy it and to determine that the necessity has arisen for levying the boycott under the obligations of the League. In other words, there is no change in the form of our Government by reason of our performing the obligations of the League of Nations.

TRUTH BETWEEN EXTREMES OF CRITICISM

In the opposition to the League, we find this curious difference among the bitterest of critics. One class insists that it creates a super-sovereignty and an oligarchy which will control our international relationships and will really deprive us of sovereignty. The other class, with equal persistence, decries the League as absolutely worthless in the cause of peace, because it is said to be without teeth and has no governing body necessary to secure from it prompt and effective action. The truth lies between. It has no managing body to which the nations delegate their powers, but it is a mistake to say that it is without teeth. It depends for its success and usefulness in the cause of peace, upon the spirit of co-operation, to which the nations pledge themselves by the terms of the League. If they maintain this spirit of co-operation, the League must be most effective. This will be true though a few of the nations fail, if only the great majority of them in good faith perform their obligations and manifest a sense of responsibility in aiding the declared purpose of the League. Should we find the necessary spirit of co-operation lacking, so as to make the League ineffective, then we can withdraw from it on two years' notice. The objects of the League, however, are so valuable to all the nations, and the necessity for its existence has been so impressed on every country by the lessons of the war as to justify confidence that the nations will stand together in their support of the League, as they are bound in honor to do.

The Monroe Doctrine is specifically recognized by all nations as a regional understanding in the constitution of the League by a provision that nothing in the League shall affect it. This is the first time in the history of the Doctrine that the Monroe Doctrine has been recognized by the world as a customary convention. It is a great achievement for us.

OF COURSE SOME BURDENS

Of course we shall have to meet obligations under this League. Of course there will be some burden connected with it. A League of Nations means something that binds nations to do something to accomplish a common purpose. We cannot hope by united power to accomplish a common purpose unless each member contributes its share to the means by which that purpose is to be effected. There are those who say they are in favor of *a* League but not in favor of *this* League, because it has obligations. That means that they are not in favor of any League at all. It means that they are in favor of something that binds other nations and does not bind us to our share of the work needed to accomplish the purpose of the League. What we are to do by the League is by a stitch in time to save nine, by assuming comparatively slight obligations to protect us against the heavy, burdensome and destructive obligations involved in competitive armament and another general war, and to secure to us and to the world the blessings of permanent peace.

This is not a partisan question. We should be for or against the League without respect to whether we are Democrats or Republicans. We should be for or against the League without regard to whether we think it will bring credit to our party or credit to any man. Personal and partisan considerations of this kind are reasons which should have no influence with us in determining an issue so fateful in the world's history and so likely to affect the future welfare of the people of the United States and of all mankind. When, therefore, you come to consider the question whether you are in favor of the treaty or not, you should search your hearts and souls and your consciences to see whether you are approaching it in the proper patriotic and humane spirit, or whether you are against it because Mr. Wilson is for it and you may fear that he will gain credit for its adoption, or because you may suppose that his party may gain party credit for it. These are small reasons for supporting or opposing the League. The question is, will it do good for this country or mankind? If it will, let us favor it. If it endangers our country or interferes with mankind, let us oppose it, but let us base our action and our view on high and patriotic reasons. When we approach the question of the League of Nations from that standpoint, I do not doubt that the great majority of the people of the United States and the needed majority of the Senators of the United States will approve this League.

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